1951

File No. B. (2nd) Repealing & Amending /

Legal Dept. 51 /

B **BRANCH**

Subject:— A Bill to repeal certain enactments

L.A. Bill No XLIII of 1951

Bom. Act No XXXIX of 1951

P.S.

File No. B. (2nd) Repealing & Amending /51

Gen. 194 a.

871-B

Legal Department

Submitted,

A draft of the Repealing and Amending Bill and S.O.R. are put up at pp.71-78 post for approval.

(2) The draft Bill proposes to repeal certain enactments which have become unnecessary at present as also to carry out certain formal amendments, and to correct a few grammatical and minor printing mistakes.

3. The first Repealing and Amending Act this year is Bom. IX of 1951. This will therefore be the Second Repealing and Amending Act, 1951.

4. Entries rel. Cr. P.C. in both the Schedules and rel. separation of Judicial and Executive Functions Act, 1951, in the First Schedule:- Section 108 of the Code of Criminal Procedure, 1898, as amended by the Bombay Separation of Judicial and Executive Functions Act, 1951 (Bom. XXIII of 1951) which relates to the power to require security for good behaviour in case of sedition reads as follows:-

"Whenever a Chief Presidency or District Magistrate, or Sub-divisional Magistrate or a Presidency Magistrate specially empowered by the State Government in this behalf, has information

The words "specially empowered by the State Government in this behalf" above obviously govern the words "a Presidency Magistrate" only. A doubt, however, has been raised to the effect that because of the comma occuring after the words "or District Magistrate" in section 108, the above mentioned words might perhaps also govern the words "Sub-divisional Magistrate" which is not the

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the Legislature. Comma after the words "or District Magistrate" in section 108 is, therefore, proposed to be specifically deleted.

The words "or Sub-divisional Magistrate" in section 108 were inserted by the Select Committee on the Bombay Separation of Judicial and Executive Functions Bill 1951. A consequential amendment providing in Part IV of Schedule III to the Cr. P.C. that the power to require security for good behaviour in case of sedition under section 108 shall be one of the ordinary powers of a sub-divisional Magistrate, remained, however, to be made. There is therefore a discrepancy between the provisions of section 108 and the Schedule. It is thus necessary to delete item 4 in Part V of Schedule III to the Cr. P.C. and to insert a new item (2ca) in Part IV of the said Schedule as follows:-

(2ca) Power to require security for good behaviour in case of sedition, section 108."

Bom. XX of 1951 inserted section 197 A in the Cr. P.C. in its application to the State of Bombay. Concurrently, however, the Govt. of India proposed to insert a new section in the Code numbered as 197A As the Govt. of India Bill was enacted first (I of 1951) it is necessary to renumber section 197A, inserted by Bombay Act, as section 197AA. (vide GLLD No. 6972, dated 2-5-51.)

Please see G.L.L.D.No. 8497, dt. 30-5-51. Entry 67 in Part I of the Schedule to the Bombay Separation of Judicial and Executive Functions Act, 1951, proposed to amend section 506 of the Cr. P.C. The said Bill was

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published in the Bombay Government Gazette on the 30th January 1951 as L.A. Bill No. III of 1951. It was referred to the Select Commitree by the B.L.A. on the 17th February 1951. Section 21 of the Central Act amending Cr. P.C., published on 19-2-51 has substituted new sections ~~222~~ 503 to 508-A for original sections 503 to 508-A. In making this substitution some provisions have been re-arranged and section 506, as it stood before the amendment, has become sub-section (2) of section 503. As the amendments made by the Separation of Judicial and Executive Functions Bill in section 506 have not been in any way affected by the Central Act, a referem to section 506 in the Bombay Bill will be read as a reference to sub-section (2) of section 503. However to make the position clear it is necessary to carry out the authentics amendments in section 503(2) of the Cr. P.C. entry 67 would then be unnecessary and may be deleted.

5. Entry rel Town Planning Act in the First Schedule and entries rel Commissioners (Abolition of office) Act in both the Schedules:- Appendix III of the Bombay Provincial Municipal Corporarions Act, 1949 amended sections 4(1), 10(2), 26(1) and 45(3) of the Bombay Town Planning Act, 1915 in that the words "the City of Bombay" occuring in the later Act were substituted by the words "any area for which a municipal corporation is constituted under any enactment" Later on, the same sections w were amended by the Bombay Commissioners (Abolition of Office) Act, 1950 Through oversight, it appears, the amendments carried

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the amendments carried out by the Corporation Act we were not taken into consideration and therefore the amendments made by the Commissioners (Abolition of Office) Act in the T.P. Act do not fit in. In the circumstances it would appear to be necessary to amend sections 4(1), 10(2), 26(1) and 45(3) as suggested in the draft Bill, Consequently, it it would also be necessary to delete item 3 in ~~the~~ column 2 against entry 7 in the Schedule to the Commissioners (Abolition of Offices) Act as also to substitute the word "section" for the words, figures and brackets "sections 4(1), 10(2), 26(1) and " as reference to these in the said Act will then be unnecessary.

6. Entry re: Bombay Weights and Measures Act in the 1st Schedule :- This is a formal deletion consequent on the insertion of new clause (12) in sec. 3 by the Adaptation of Indian Laws Order in Council.

Entry re: Bombay Public Trusts Act in the 1st Schedule :- Section 27 of the Bombay Public Trusts Act, 1950, which was incorporated in the Act on the recommendation of the Tendolkar Committee, imposes on the Trustees the obligation to stamp or endorse, in the manner to be prescribed by the Rules, on each of the scrips forming property of the public trust the name or discription of the trust. Various representations w were received by Government that such stamp or endorsement on the scrips is likely to affect the n negotiability of the scrips. It has therefore

It has therefore been decided to delete section 27 of the said Act. Consequential deletion of third entry in the Table in sec. 60 and cl. (J) of section 64(3) would be necessary. Presumably no amendment is necessary in sec. 30 of the Act.

8. Entry re Bombay Smoke-nuisances Act, 1912 in the 2nd Schedule :- These are the consequential amendments necessitated because of the amendment made in sec. 1(2) by Bom. XVII of 1945. Sec. 9, Schedule E read with Bom. LII of 1947. (Sec. 2 Proviso).

Entries re. Bombay Village Panchayats Act, 1933 and the Bombay Separation of Judicial and Executive Functions Act, 1951 in the 2nd Schedule:- The Bombay District Police and the City of Bombay Police (Amendment) Act, 1947 (Bom. LIX of 1947) of by which clause (P) of sub-section (1) of section 61 of the District Police Act was deleted as well as the Bombay village Panchayata (Amendment) Act, 1947 (Bom. LX of 1947) by which section 61(1)(p) of the District Police Act was inserted in section 41 of the Village Panchayats Act, were published as Acts in the Gazette at an interval on one week, when the Bill amending the Bombay Village Panchayats Act was considered by the Legislature, section 61(1)(p) of the District Police Act was on the Statute Book. Section 61(1)(p) which was deleted by Bombay Act 59 of 1947 was re-enacted by the same Act under new section 61 AA. This section 61 A of the District

This section 61 AA of District Police Act has now been replaced by section 85 of the Bombay Prohibition Act, 1949. Consequential amendment in sec. 41 of the Bombay Village Panchayats Act remains, however, to be carried out. Section 61(1)(p) of the B.D.P. Act corresponds to clause (1) of sec. 85 of the Prohibition Act. Presumably therefore no reference to clause (2) thereof appears to be necessary at present in sec. 41 of the B.V.P Act.

Amendment made by the Bombay Separation of Judicial and Executive Functions Act, 1951, in Sec.87 B of the Bombay Village Panchayats Act, 1933 does not fit in. Necessary amendments are therefore proposed to be made in both these Acts.

10. [illegible]

10. Entry re: Bombay Sales Tax [illegible] Act, 1946 in the 2nd Schedule: This is a minor grammatical correction.

11. Entry re: Lord Reay Maharashtra Industrial Museum Act: This is a minor amendment necessitated because of certain amendment carried out in the R.M.I.Museum Act by the Bombay Provincial Municipal Corporations Act, 1949.

12. Entry re: Bombay Provincial Municipal Corporations Act, 1949 in the Second Schedule: This corrects a minor printing mistake.

13. The subject-matter of the Bill falls under intries 5,6,12,18,29 and 54 in list II and entries 2 and 10 in list III in the Seventh Schedule to the

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to the Constitution. After the Bill is passed by the State Legislature, it will not be necessary to reserve it for the consideration of the President with reference to article 254(2), 31(3) or any other article in the Constitution. The Bill does not require any sanction or recommendation under the Constitution.

MM.

dt. 15-6-'50.

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~~recommendation under the Constitution.~~

14. If, approved, the draft Bill and the S.O.R. may be submitted to H.M.(L) FOR HIS approval. Under instruction 33(4) of the Instructions issued under the Rules of Business if the ~~xxxx~~ tentative draft Bill is approved by the Minister in charge, the Department shall then submit the draft together with the S.O.R. to the C.S. with its suggestions forcobtaining the orders of the H.C.M. either for the circulation of the Bill or for the submissions to the Council of Ministers for approval. As the Bill does not involve any question of principle it does not appear necessary to bring it up before the Cabinet meeting but the Cabinet approfal may be obtained by circulation. After H.M.(L) approves the Bill the pp. will be sent to C.S. for obtainin ng H.C.M's orders accordingly as required by the said instruction. No financial memorandum will by necessary in case of the Bill. It will be introdnces in the B.L.A. first.

The draft Bill at pages 71 to 77 post as amended may be approved. Attempt has been made to bring the amendments relating to the same matter in one place minstead of inserting them in both the Schedules.

2. The Bill does not require any sanction or recommedation. It may be placed before the Cabinet at the next meeting on 4th August, for approval.

Contd.

Please retype as asserted by S.S. and then show me again.

30/7

Resubmitted with a clean copy of the draft Bill as amended by S.S.

31/7/51

The draft Bill at pages 73 to 81 post and the Statement of objects and Reasons at p. 83 post may be submitted to H.M.(Law) for his approval. The papers may then be submitted to C.S. with a request to obtain H.C.M.'s orders that the draft Bill may be placed before the Cabinet for approval at its meeting on 4th August 1951.

31/7

Copy.

The amendment to Civil P.C. Code dcdt and the Bombay Village Panchayat's Act may be shown to H.D. and they should be asked to reply immediately.

31/7.

MM

50.

Legal Department.

It is proposed to introduce a Repealing and Amending Bill at the ensuing session of the State Legislature commencing on the 17th August 1951. The appended draft amendments are proposed to be included in the said Bill. The purpose for which these amendments are to be made has been stated below the amendments. The Home Department, which is concerned with the amendments is requested to offer its remarks, if any, on these amendments.

2. The Bill is to be placed before the Cabinet at its meeting on the 4th August 1951. The Department is therefore requested to treat this case as immediate and to communicate its remarks to this Department as soon as possible.

for Secretary to Government.

U.R.to H.D. No. 12297, dated 31-7-51.

MM

SC.

No. 16340

Legal Department,

Bombay Castle (Bombay No.1) 15th October 1951.

From

Shri J.R. Dhuradhar,
Secretary to the Government of Bombay.

To. The Secretary to the Governor of Bombay.

Subject:- The Bombay (Second) Repealing and Amending Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay (Second) Repealing and Amending Bill, 1951, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 20th and the 26th September 1951, respectively.

2. The subject-matter of the Bill falls under entries 5,6,11,12,29,32 and 54 in List II and entries 2,10 and 28 in List III in the Seventh Schedule to the Constitution of India. It is not necessary to reserve the Bill for the consideration of the President with reference to article 31(3) or 254(2) or any other article of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the

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4. I also forward herewith one copy of each of the

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	item Nos. 1, 2 and 4
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	and two copies of item
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 20th September 1951 and of the Bombay Legislative Council dated the 26th September 1951.	

No. 3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

Your faithfully.

Secretary to Government.

Copy corwarded with compliments to the Secy. to the Govt. Education Department.

Submitted for signature.
Await ~~it~~ assent till 19/11/51.

~~MK~~ SO

No. G.S. 2744

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Secretary to Government,

Legal Department.

GOVERNMENT HOUSE

October 19 1951

Poona 7.

Subject: The Bombay (Second) Repealing and Amending Bill, 1951.

Sir,

With reference to your letter No. 16340, dated October 15, 1951 I am directed to return herewith the authentic copy of the Bombay (Second) Repealing and Amending Bill, 1951, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Secretary to the Governor of Bombay.

MS

GC dt. 11-6-[illegible].

ACTS.

Publication of the Bombay (Second) Repealing and Amending Act, 1951.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 16991
Bombay Castle, 25th October 1951.

Letter to the Secretary to the Governor, No. 16340. ated the 15th October 1951.

Letter from the Secretary to the Governor, No. G.S. 2744, dated the 19th October 1951.

"With reference to your letter No. 16340, dated October 15,1951, I am directed to return herewith the authentic copy of the Bombay (Second) Repealing and Amending Bill, 1951, with His Excellency the Governor's assent signified thereon."

RESOLUTION: The law should be published as Bombay Act No. XXXIX of 1951, in the Bombay Government Gazette dated the 25th October 1951.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari Script) and the translations should be published in the Bombay Government Gazette

By order of the Governor of Bombay.

S.L. Chardhari,

Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 50 Gazette copies of the Act may be forwarded to the legal Department.).
*The Oriental Translator to Government) with a
The Bombay Legislature Department,) copy of
The Director of Publicity, Bombay, the Act.
The Enquiry Officer for the Secretariat,)
Bombay.

*with four spare extra copies of the Act.

MM
SC dt. 11-6-'56.

REGISTERED No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
MONDAY, 27TH AUGUST 1951

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLIII OF 1951.

A Bill to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

The First Schedule

Repeals

(*See* section 2)

ar.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word "and", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words "or scrip", wherever they occur, in section 30, and the words "and scrips" in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (2) of section 84.

The Second Schedule

Amendments

(*See* section 3)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA ;
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words " Town and Island of Bombay " the words " Greater Bombay " shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely :— "(*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, " ; (*b*) for clause (*v*) the following shall be substituted, namely :— "(*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government;". (2) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely :— "(*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely :— "(*d*) Under the Bombay Prohibition Act, 1949— Being drunk and incapable of taking care of himself. .. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words " District Court or the District Magistrate " the words " District or the Sessions Court " shall be substituted ; (3) In sub-section (*3*) of section 72, for the words " District Magistrate ", wherever they occur, the words " Sessions Judge " shall be substituted ; (4) In section 87B, for the words " District Magistrates " the words " Sessions Courts " shall be substituted ; (5) In clause (*i*) of sub-section (2) of section 106, for the words " District Court or District Magistrate " the words " District or Sessions Court " shall be substituted ; (6) In sub-section (*4*) of section 112, for the words " District Magistrate " the words " Sessions Court ", and for the word " him " the word " it " shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word " sections " the word " section " shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words " Poona City Borough Municipality " the words " Municipal Corporation of City of Poona " shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works,"; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely :— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ;".
1949	XX	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, (*v*) Vice-Chancellors of other Universitites established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"

Year	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy-Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time, the word "of" shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.

Year	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time, the word "of" shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— "1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted ; 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— "67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*);— (*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely :— 'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,' ; (*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures "87", where they occur for the first time, the word "and" shall be inserted : (*b*) the word, figures and letter "and 87B", where they occur for the first time, shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to carry out certain formal repeals and amendments and correct a few grammatical and minor printing mistakes. The following notes on the entries in the two Schedules to the Bill give the reasons for the proposed amendments:—

First Schedule.

(1) *Entry re*: *Bom. XV of 1932*: This is a formal deletion.

(2) *Entry re*: *Bom. XXIX of 1950*: Section 27 of the Bombay Public Trusts Act, 1950, relating to stamping of scrips, which is likely to cause legal and practical difficulties in its operation, is proposed to be deleted. Other amendments proposed in the Act are consequential.

Second Schedule.

(1) *Entry re: Act V of 1898*: This is intended to renumber section 197A inserted in the Code of Criminal Procedure, 1898, by Bom. XX of 1951, as section 197AA, as the Government of India have also simultaneously by Act I of 1951 inserted section 197A in the said Code.

(2) *Entry re: Bom. VII of 1912*: These amendments are consequential to the amendments made in section 1 (2) of the Bombay Smoke Nuisances Act, 1912, by Bom. XVII of 1945.

(3) *Entries re*: *Bom. IV of 1928, Bom. LXI of 1947, Bom. XX of 1948, Bom. XLIX of 1948, Bom. XX of 1949, Bom. L of 1949 and Bom. LI of 1949*: These are intended to substitute the revised designations of the Director of Public Instruction and some other Government officers nominated under these Acts and to make amendments of a general nature so that in future such amendments may not be necessary when changes are made in such officers or their designations.

(4) *Entry re*: *Bom. VI of 1933*: The first amendment to section 41 of the Bombay Village Panchayats Act, 1933, is intended to substitute in that section reference to section 85 (*1*) of the Bombay Prohibition Act, 1949, for the reference to section 61 (*1*) (*p*) of the Bombay District Police Act, as the latter has now been replaced by the former provision.

The other amendments are consequential to the passing of the Bombay Separation of Judicial and Executive Functions Act, 1951.

(5) *Entry re*: *Bom. V of 1946*: This is a minor grammatical correction.

(6) *Entry re*: *Bom. XXXII of 1947*: This is a formal amendment.

(7) *Entry re*: *Bom. LIX of 1949*: These are intended to correct cross references and minor printing mistakes.

(8) *Entry re*: *Bom. XXVIII of 1950*: These are formal amendments intended to revise the amendments made in the Bombay Town Planning Act, 1915, by the Bombay Commissioners (Abolition of Office) Act, 1950, which do not fit in properly.

(9) *Entry re*: *XXIII of 1951*: By the first amendment it is proposed to substitute a revised entry for entry 67 in Part I of the Schedule to the Bombay Separation of Judicial and Executive Functions Act, 1951. That entry was intended to make necessary amendments in section 506 of the Code of Criminal Procedure, 1898, which has in the meanwhile been replaced by revised section 503 (*2*) by Central Act I of 1951.

The second amendment contains formal corrections.

Dated the 24th August 1951.

(Signed) D. N. DESAI.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Secretary to Government.

Poona, dated the 24th August 1951.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

35

L A. BILL No. XLIII OF 1951.

A Bill to repeal certain enactments and to amend certain other enactments.

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactment.

The First Schedule

Repeals

(*See* section 2)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word " and ", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words " or scrip ", wherever they occur, in section 30, and the words " and scrips " in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (2) of section 84.

MO-III Bk Hb 229

The Second Schedule

Amendments

(*See* section 3)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA ;
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words " Town and Island of Bombay " the words " Greater Bombay " shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely :— " (*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, " ; (*b*) for clause (*v*) the following shall be substituted, namely :— " (*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government, ". (2) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely :— " (*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely :— " (*d*) Under the Bombay Prohibition Act, 1949— Being drunk and incapable of taking care of himself.. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words " District Court or the District Magistrate " the words " District or the Sessions Court " shall be substituted ; (3) In sub-section (*3*) of section 72, for the words " District Magistrate ", wherever they occur, the words " Sessions Judge " shall be substituted ; (4) In section 87B, for the words " District Magistrates " the words " Sessions Courts " shall be substituted ; (5) In clause (*i*) of sub-section (2) of section 106, for the words " District Court or District Magistrate " the words " District or Sessions Court " shall be substituted ; (6) In sub-section (*1*) of section 112, for the words " District Magistrate " the words " Sessions Court ", and for the word " him " the word " it " shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word " sections " the word " section " shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words " Poona City Borough Municipality " the words " Municipal Corporation of City of Poona " shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works,"; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely :— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ;"
1949	XX	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, (*v*) Vice-Chancellors of other Universitites established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"

Year	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests," (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time the word "of" shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— " 1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words ' in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere ' shall be deleted ; 2. In section 43, in sub-section (*3*) the words ' in the Greater Bombay or the Commissioner elsewhere ' shall be deleted. 3. In section 45, in sub-section (*3*), the words ' in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere ' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— " 67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),— (*i*) for the words ' such magistrate shall apply to the district magistrate ' the following shall be substituted, namely :— ' such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,' ; (*ii*) for the words ' and the district magistrate ' the words ' and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures " 87 ", where they occur for the first time, the word " and " shall be inserted : (*b*) the word, figures and letter " and 87B ", where they occur for the first time, shall be deleted.

STATEMENT OF OBJECTS AND REASONS.

The object of the Bill is to carry out certain formal repeals and amendments and correct a few grammatical and minor printing mistakes. The following notes on the entries in the two Schedules to the Bill give the reasons for the proposed amendments:—

First Schedule.

(1) *Entry re*: *Bom. XV of 1932*: This is a formal deletion.

(2) *Entry re*: *Bom. XXIX of 1950*: Section 27 of the Bombay Public Trusts Act, 1950, relating to stamping of scrips, which is likely to cause legal and practical difficulties in its operation, is proposed to be deleted. Other amendments proposed in the Act are consequential.

Second Schedule.

(1) *Entry re: Act V of 1898*:· This is intended to renumber section 197A inserted in the Code of Criminal Procedure, 1898, by Bom. XX of 1951 as section 197AA, as the Government of India have also simultaneously by Act I of 1951 inserted section 197A in the said Code.

(2) *Entry re*: *Bom. VII of 1912*: These amendments are consequential to the amendments made in section 1 (2) of the Bombay Smoke Nuisances Act, 1912, by Bom. XVII of 1945.

(3) *Entries re*: *Bom. IV of 1928, Bom. LXI of 1947, Bom. XX of 1948, Bom. XLIX of 1948, Bom. XX of 1949, Bom. L of 1949 and Bom. LI of 1949*: These are intended to substitute the revised designations of the Director of Public Instruction and some other Government officers nominated under these Acts and to make amendments of a general nature so that in future such amendments may not be necessary when changes are made in such officers or their designations.

(4) *Entry re*: *Bom. VI of 1933*: The first amendment to section 41 of the Bombay Village Panchayats Act, 1933, is intended to substitute in that section reference to section 85 (*1*) of the Bombay Prohibition Act, 1949, for the reference to section 61 (*1*) (*p*) of the Bombay District Police Act, 1890, as the latter has now been replaced by the former provision.

The other amendments are consequential to the passing of the Bombay Separation of Judicial and Executive Functions Act, 1951.

(5) *Entry re*: *Bom. V of 1946*: This is a minor grammatical correction.

(6) *Entry re*: *Bom. XXXII of 1947*: This is a formal amendment.

(7) *Entry re*: *Bom. LIX of 1949*: These are intended to correct cross references and minor printing mistakes.

(8) *Entry re*: *Bom. XXVIII of 1950*: These are formal amendments intended to revise the amendments made in the Bombay Town Planning Act, 1915, by the Bombay Commissioners (Abolition of Office) Act, 1950, which do not fit in properly.

(9) *Entry re*: *XXIII of 1951*: By the first amendment it is proposed to substitute a revised entry for entry 67 in Part I of the Schedule to the Bombay Separation of Judicial and Executive Functions Act, 1951. That entry was intended to make necessary amendments in section 506 of the Code of Criminal Procedure, 1898, which has in the meanwhile been replaced by revised section 503 (*2*) by Central Act I of 1951.

The second amendment contains formal corrections.

Dated the 24th August 1951.

D. N. DESAI.

Spare copies

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIII OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

A Bill to repeal certain enactments and to amend certain other enactments.

[Shri D. N. Desai, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

59

L. A. BILL No. XLIII OF 1951.

A Bill to repeal certain enactments and to amend certain other enactments.

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

(As read for the third time and passed by the Legislative Council on the 26th September 1951.)

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

The First Schedule

Repeals

(*See* section 2)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word " and ", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words " or scrip ", wherever they occur, in section 30, and the words " and scrips " in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (2) of section 84.

MO-III Bk Hb 244

The Second Schedule

Amendments

(*See* section 3)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA ;
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words " Town and Island of Bombay " the words " Greater Bombay " shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in class I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely :— " (*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, " ; (*b*) for clause (*v*) the following shall be substituted, namely :— " (*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government, ". (2) In section 20, for clause (c) of sub-section (*1*) the following shall be substituted, namely :— " (*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;"
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely :— " (*d*) Under the Bombay Prohibition Act, 1949— Being drunk and incapable of taking care of himself.. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words " District Court or the District Magistrate " the words " District or the Sessions Court " shall be substituted ; (3) In sub-section (*3*) of section 72, for the words " District Magistrate ", wherever they occur, the words " Sessions Judge " shall be substituted ; (4) In section 87B, for the words " District Magistrates " the words " Sessions Courts " shall be substituted ; (5) In clause (*i*) of sub-section (*2*) of section 106, for the words " District Court or District Magistrate " the words " District or Sessions Court " shall be substituted ; (6) In sub-section (*4*) of section 112, for the words " District Magistrate " the words " Sessions Court ", and for the word " him " the word " it " shall be substituted.
1946	V	Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word " sections " the word " section " shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words " Poona City Borough Municipality " the words " Municipal Corporation of City of Poona " shall be substituted.

61

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works,"; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Court,".
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely :— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ;"
1949	XX	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, (*v*) Vice-Chancellors of other Universitites established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— " (*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, " (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— " (*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ; "
1949	LI	Shreemati Nathibai-Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— " (*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— " (*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure " clause (*b*) of sub-section (*2*) " the words, brackets, letter and figure " clause (*c*) of sub-section (*2*) " shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word " or ", where it occurs for the second time the word " of " shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter " clause (*c*) " the word, brackets and letter " clause (*e*) " shall be substituted.

63

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— " 1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted ; 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— " 67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (*2*),— (*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely :— 'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,' ; (*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures " 87 ", where they occur for the first time, the word " and " shall be inserted ; (*b*) the word, figures and letter " and 87B ", where they occur for the first time, shall be deleted.

Government of Bombay

LEGAL DEPARTMENT

[L A. BILL No. XLIII OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 20th September 1951.)

A Bill to repeal certain enactments and to amend certain other enactments.

(As read for the third time and passed by the Legislative Council on the 26th September 1951.)

[Shri. D. N. DESAI, M.L A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. XXXIX OF 1951—An Act to repeal certain enactments and to amend certain other enactments	218–223

The following Act of the Bombay Legislature having been assented to by the Governor on the 18th October 1951, is hereby published for general information.

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXXIX OF 1951.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 25th October 1951.)

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Second) Repealing and Amending Act, 1951. **Short title.**

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. **Repeal of certain enactments.**

Amendment of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

The First Schedule.

Repeals.

(*See* section 2.)

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1932	XV	Bombay Weights and Measures Act, 1932.	In section 3, in clause (10), the word " and ", where it occurs for the second time.
1950	XXIX	Bombay Public Trusts Act, 1950.	Clause (16) of section 2, section 27, the words " or scrip ", wherever they occur, in section 30, and the words " and scrips " in the marginal note to the said section 30, third entry relating to section 27 in the Table appended to section 66, and clause (*j*) of sub-section (*2*) of section 84.

The Second Schedule.

Amendments.

(*See* section 3.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	
1898	V	Code of Criminal Procedure, 1898, in its application to the State of Bombay.	Section 197A, as inserted by section 2 of Bom. XX of 1951, shall be renumbered as section 197AA.
1912	VII	Bombay Smoke-nuisances Act, 1912.	In the long title, preamble and in sub-section (*1*) of section 2, for the words " Town and Island of Bombay " the words " Greater Bombay " shall be substituted.
1928	IV	Bombay University Act, 1928.	(1) In section 13, in paragraph (*B*) in clause I in sub-section (*1*),— (*a*) for clause (*iii*) the following shall be substituted, namely :— " (*iii*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, " ; (*b*) for clause (*v*) the following shall be substituted, namely :— " (*v*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government, ". (2) In section 20, for clause (*c*) of sub-section (*1*) the following shall be substituted, namely :— " (*c*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1933	VI	Bombay Village Panchayats Act, 1933.	(1) In section 41, for clause (*d*) the following shall be substituted, namely :— "(*d*) Under the Bombay Prohibition Act, 1949— Being drunk and incapable of taking care of himself.. .. .. 85 (*1*)." (2) In sections 57, 107A and clause (*r*) of sub-section (*1*) of section 108, for the words "District Court or the District Magistrate" the words "District or the Sessions Court" shall be substituted ; (3) In sub-section (*3*) of section 72, for the words "District Magistrate", wherever they occur, the words "Sessions Judge" shall be substituted ; (4) In section 87B, for the words "District Magistrates" the words "Sessions Courts" shall be substituted ; (5) In clause (*i*) of sub-section (*2*) of section 106, for the words "District Court or District Magistrate" the words "District or Sessions Court" shall be substituted ; (6) In sub-section (*4*) of section 112, for the words "District Magistrate" the words "Sessions Court", and for the word "him" the word "it" shall be substituted.
1946		Bombay Sales Tax Act, 1946.	In section 21, in sub-section (*3*), for the word "sections" the word "section" shall be substituted.
1947	XXXII	Lord Reay Maharashtra Industrial Museum Act, 1947.	In section 17, in the marginal note, for the words "Poona City Borough Municipality" the words "Municipal Corporation of City of Poona" shall be substituted.
1947	LXI	Bombay Primary Education Act, 1947.	In section 2, in clause (8) for the words "the Director of Public Instruction" the words "the Director of Education" shall be substituted.
1948	XX	Poona University Act, 1948.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*vii*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Medical or Public Health, (*b*) Agriculture, (*c*) Industries, (*d*) Public Works," ; (2) In section 19, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education, who is a member of the Court,"

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1948	XLIX	Bombay Secondary School Certificate Examination Act, 1948.	In section 3, in paragraph (A) of sub-section (*2*), for clauses (*a*) to (*d*) the following shall be substituted, namely :— "(*a*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government ; (*b*) the Director of Technical Education or any other officer of the Department of Technical Education designated by the State Government ; (*c*) the Director of Agriculture or any other officer of the Agriculture Department designated by the State Government ; (*d*) the Inspector of Commercial Schools, Bombay, or any other officer designated by the State Government to represent the Commercial Schools ; "
1949	XX	Karnatak University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iii*) to (*x*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*iv*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, (*v*) Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 18, for clause (*ii*) of sub-section (*1*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,"
1949	L	Gujarat University Act, 1949.	(1) In section 16, in paragraph (B) in Class I in sub-section (*1*), for clauses (*iv*) to (*x*) the following shall be substituted, namely :— "(*iv*) the Director of Education, Bombay State, or the Joint or a Deputy Director of Education designated by the State Government, (*v*) Six members designated by the State Government representing the following Departments, namely :— (*a*) Technical Education, (*b*) Medical or Public Health, (*c*) Agriculture, (*d*) Industries, (*e*) Public Works, (*f*) Forests, " (2) In section 19, for clause (*iii*) of sub-section (*1*) the following shall be substituted, namely :— "(*iii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate ; "

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1949	LI	Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.	(1) In section 15, in paragraph (B) in Class I in sub-section (*1*), for clauses (*ii*) to (*viii*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State or the Joint or a Deputy Director of Education designated by the State Government, (*iii*) Four members designated by the State Government representing the following Departments, namely :— (*a*) Industries, (*b*) Medical or Public Health, (*c*) J. J. School of Arts, Bombay, (*d*) Co-operative and Village Industries. (*iv*) The Secretary, the Additional Secretary or the Joint Secretary to the Department of Education as the State Government may determine, (*v*) The Vice-Chancellors of other Universities established by law in the State of Bombay." (2) In section 39, for clause (*ii*) of sub-section (*2*) the following shall be substituted, namely :— "(*ii*) The Director of Education, Bombay State, or the Joint or a Deputy Director of Education who is a member of the Senate,".
1949	LIX	Bombay Provincial Municipal Corporations Act, 1949.	(1) In section 465, in clause (*b*) of sub-section (*3*), for the words, brackets, letter and figure "clause (*b*) of sub-section (*2*)" the words, brackets, letter and figure "clause (*c*) of sub-section (*2*)" shall be substituted. (2) In the Schedule,— (*a*) in Chapter IX, in clause (*a*) of rule 8, for the word "or", where it occurs for the second time the word "of" shall be substituted ; (*b*) in Chapter XIV, in rule 4 and in the marginal note to the said rule, for the word, brackets and letter "clause (*c*)" the word, brackets and letter "clause (*e*)" shall be substituted.
1950	XXVIII	Bombay Commissioners (Abolition of Office) Act, 1950.	In the Schedule, for the three items in column 2 against entry 7 relating to the Bombay Town Planning Act, 1915, the following shall be substituted, namely :— "1. In sections 4 (*1*), 10 (*2*) and 26 (*1*) the words 'in any area for which a municipal corporation is constituted under any enactment or the Commissioner elsewhere' shall be deleted ; 2. In section 43, in sub-section (*3*) the words 'in the Greater Bombay or the Commissioner elsewhere' shall be deleted. 3. In section 45, in sub-section (*3*), the words 'in any area for which a municipal corporation is constituted under any enactment and by the Commissioner elsewhere' shall be deleted."

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1951	XXIII	Bombay Separation of Judicial and Executive Functions Act, 1951.	In the Schedule,— (1) in Part I, for entry 67, the following shall be substituted, namely :— "67. In section 503, as inserted by section 21 of Act I of 1951, in sub-section (2),— (*i*) for the words 'such magistrate shall apply to the district magistrate' the following shall be substituted, namely :— 'such magistrate, if he is a judicial magistrate shall apply to the sessions judge and if he is an executive magistrate shall apply to the district magistrate,'; (*ii*) for the words 'and the district magistrate' the words 'and the sessions judge or the district magistrate, as the case may be,' shall be substituted." (2) in Part III, in item 2 of the entry relating to the Bombay Village Panchayats Act, 1933,— (*a*) after the figures "87", where they occur for the first time, the word "and" shall be inserted ; (*b*) the word, figures and letter "and 87B", where they occur for the first time, shall be deleted.

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